



HRL0110A2

#10/Amndt B
3.5.03 (NE)
C. Moore

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schulman

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Serial No.: 09/397,898

Group Art Unit: 2814

Filed: September 17, 1999

Examiner: Nathan W. Ha

10 For:

Hon. Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

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Sir:

In response to the Final Office Action dated September 9, 2002, having a shortened-statutory response period extending through and including December 9, 2002, please enter the following amendments and consider the following remarks.

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This application has been carefully reviewed in light of the Office Action of September 9, 2002, wherein the Examiner rejected Claims 1-2 under 35 U.S.C. 102(b) as being anticipated by Seabaugh (US 5,554,860).

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Amendments and Remarks

The Examiner rejected Claims 1-2 under 35 U.S.C. 102(b) as being anticipated by Seabaugh ('860). The Examiner stated that the Applicant's arguments filed on July 15, 2002 have been fully considered and that they are not persuasive, stating that the newly added claim limitations are explicitly addressed by the Examiner's arguments presented below.

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In order to establish a prima facie case of anticipation, the Examiner must set forth an argument that provides (1) a single reference (2) that teaches or enables (3) each of the claimed elements (as arranged in the claim) (4) either expressly or inherently and (5) as interpreted by one of ordinary skill in the art. All of these factors must be present, or a case of anticipation is not met. Thus, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Associates v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). It is not enough, however, that the prior art reference disclose all the

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